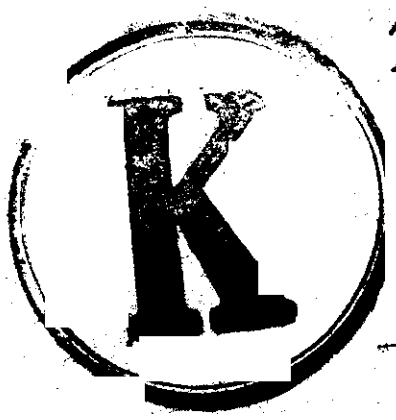

1943. File No. B. Munic. Bom. City /43

Legal Department.

B BRANCH

Subject:—

Governor Bill No. VI of 1942.

A Bill to amend the

City of Bombay Municipal Act,

1888.

(Amdt. of s 74)

(P 6/6) Bom. VI of 1943

File No. B. Munic Bom. City 143.

Gen. 194 e.

265 B

Office of the R.L.A.

The draft Bill at pages 13-15 ante as slightly amended is in order.

2. If it is proposed to enact the Bill before the end of the year, it will be necessary to insert in the short title the word "Fifth" before the word "Amendment" in brackets, as four Act s amending the City of BOMBAY Municipal Act, 1888, have been made so far this year.

3. The subject-matter of the Bill falls under entry 13 in the Provincial Legislative List in the Seventh Schedule to the Government of India Act, 1935. As the Bill does not relate to any matter in the Concurrent Legislative List, it is not necessary to reserve the Bill for the consideration of the Governor General with reference to section 107(2) of the Government of India Act, 1935 and paragraph (2) of the Proclamation. Under executive instructions, however, the concurrence of the Governor General is necessary.

4. The statement at P. 15 is in order.

Id/- P.N.M.
18/12

Remembrancer of Legal Affairs.

M.R to G.D.? No. 10126 dated the 18th December 1942.

SSD.
14.7.1956. 4c.

No. 2355
Legal Department,
Bombay Castle, 31st March 1943.

From

P.N. Moos, Esquire, Bar-at-Law, I.C.S.,
Secretary to the Government of Bombay.

To

The Secretary to the Governor of Bombay

Subject :- A Bill to amend the city of Bombay Municipal Act, 1888.

Sir,

With reference to your memorandum No.201 (83) dated the 9th February 1943 addressed to the General Department on the above subject, I am directed to forward herewith for the assent of His Excellency the Governor a copy of the Bill to amend the City of Bombay Municipal Act, 1888, prepared by His Excellency the Governor under paragraph (2) of the Proclamation dated the 4th November 1939 issued by him under section 93 of the Government of India Act, 1935.

2. None of the provisions of the Bill affects any special responsibility of the Governor under section 52 (1) of the Government of India Act, 1935, or falls within the purview of clause (a), (b), (c) or (d) of paragraph XVII of the Instrument of Instructions to the Governor of Bombay.

3. The subject matter of the Bill falls under entry 13 of the Provincial Legislative List in the Seventh Schedule to the Government of India Act, 1935, The Bill does not relate to any matter enumerated in the Concurrent Legislative list. It is not, therefore necessary to reserve the Bill for consideration of the Governor General with reference to paragraph (2) of the Proclamation and section 107(2) of the Government of India Act, 1935.

4. The date on which His Excellency the Governor's assent is given may kindly be entered in the endorsement.

5. I also forward herewith one spare copy of the Bill.

Your obedient Servant,

Id/- P.N.M.
30/3

Secretary to the Government of Bombay,
Legal Department.

Through

The Secretary to the Government of Bombay,
General Department.

SSD.
14.7.1956.

No. 201 (83)

Office of the Governor's Secretary,

Government House,

Bombay, 10th April 1943.

From

J. B. Irwin, Esquire, CIE. DSO.MC. ICS.
Secretary to the Governor of Bombay,

To

The Secretary to Government,
Legal Department, Bombay.

Subject :- A Bill to amend the City of Bombay Municipal Act, 1888.

Sir,

With reference to your letter No. 2355, dated the 31st March 1943, on the above subject, I am directed to return herewith the ~~x~~ copy of the Bill to amend the City of Bombay Municipal Act, 1888, prepared by His Excellency the Governor under paragraph (2) of the Proclamation, dated the 4th November 1939, issued by him under section 93 of the Government of India Act, 1935, and to state that under the provisions of the aforesaid paragraph, His Excellency the Governor is pleased to declare that he assents to the Bill in the name of His Majesty.

Your obedient servant

Sd/- .....

Secretary to the Governor of Bombay.

SSD.
14.7.56. 4c.

ACTS.

Publication of the City of Bombay, Municipal Act, Second Amendment 1943.

GOVERNMENT OF BOMBAY

Legal Department.
Resolution No. 2677.
Bombay Castle, 13th April 1943.

Letter to the Secretary to the Governor, No 2355, 31st March 1943.

Letter from the Secretary to the Governor, No. 201 (83) the 10th April 1943.

"With reference to your letter no. 2355, dated the 31st March 1943, on the above subject, I am directed to retrun herewith the copy of the Bill to amend the City of Bombay Municipal Act 1888, prepared by His Excellency the Governor under paragraph (2) of the Proclamation, dated the 4th November 1939, issued by him under section 93 of the Government of India Act, 1935, and to state that under the provisions of the aforesaid paragraph, His Excellency the Governor is pleased to declare that he assents to the Bill in the name of His Majesty."

RESOLUTION :- The law should be published as Bombay Act No. VI of 1943, in the Bombay overnment Gazette dated the 13th April 1943.

2. The Act should be translated into Marathi, Gujarati and Hindustani (in Urdu and Devnagari scripts) and the translations should be published in the Bombay Government Gazette.

3. A copy of the Act should be forwarded to the General Department.

By order of the Governor of Bombay,

Sd/- S.H. Chatkdheri.

FOR,
P.N. MOOS,
(Secretary to Government.)

To

The Manager, Government Central Press, Bombay (with a copy of the act and with a request that 15 gazette copies of the Act may be forwarded to the Legal department.)
The General Department.) With
The Oriental Translator to Government,) copy
The Secretary to the Bombay Legislative Council.) of
The Secretary to the Bombay Legislative Assembly.) the
) Act.

* with five extra copies.

SSD.
14.7.1956. 4c.

Registered No. B-1

The Bombay Government Gazette

PUBLISHED BY AUTHORITY

TUESDAY, 13TH APRIL 1943.

o this Part in order that it may be filed as a separate compilation

PART IV

(1) Acts of the Local Legislature of the Bombay Province and (2) Acts of the Indian Legislature assented to by the Governor General.

CONTENTS

	PAGES
BOMBAY ACT No. VI OF 1943—An Act to amend the City of Bombay Municipal Act, 1888	87-88

The following Act made by the Governor of Bombay in exercise of the powers vested in him by virtue of the Proclamation dated the 4th November 1939 issued by him under section 93 of the Government of India Act, 1935, having been assented to by him on the 10th April 1943 is hereby published for general information.

P. N. MOOS,
Secretary to the Government of Bombay,
Legal Department.

BOMBAY ACT No. VI OF 1943.

(First published, after having received the assent of the Governor, in the "Bombay Government Gazette" on the 13th April 1943.)

An Act to amend the City of Bombay Municipal Act, 1888.

Bom. III of 1888.

WHEREAS it is expedient to amend the City of Bombay Municipal Act, 1888, for the purpose hereinafter appearing;

AND WHEREAS the Governor of Bombay has assumed to himself under the Proclamation, dated the 4th November 1939, issued by him under section 93 of the Government of India Act, 1935, all powers vested by or under the said Act in the Provincial Legislature; 26 Geo. 5, ch. 2.

NOW, THEREFORE, in exercise of the said powers, the Governor of Bombay is pleased to make the following Act:—

Short title.

1. This Act may be called the City of Bombay Municipal (Second Amendment) Act, 1943.

Amendment of section 74 of Bom. III of 1888.

2. To clause (*c*) of sub-section (*2*) of section 74 of the City of Bombay Municipal Act, 1888, the following proviso shall be added, namely:—

"Provided that the person holding the office of the Municipal Hydraulic Engineer at the commencement of the City of Bombay Municipal (Third Amendment) Act, 1938, shall, so long as he continues to hold the said office, receive a monthly salary not exceeding Rs. 1,800." Bom. XIII of 1938.

STATEMENT.

By Bombay Act XIII of 1938 section 74 of the City of Bombay Municipal Act was amended whereby *inter alia* the maximum salary payable to the person holding the office of the Municipal Hydraulic Engineer was reduced from Rs. 1,800 to Rs. 1,500 per month. The present incumbent was then holding the office of the Municipal Hydraulic Engineer in the old grade of Rs. 1,200 to Rs. 1,800 per month and had reached the maximum of the grade, viz. Rs. 1,800 per month during the period of his appointment. The Corporation desire to renew his appointment under section 74 (*2*) (*a*) of the Municipal Act, but under the amended section 74 (*2*) (*c*) a maximum salary of Rs. 1,500 per month only can be paid to him. Since that amendment was passed, the problem of the City's Water Supply has assumed greater magnitude by reason of circumstances arising from the war and this position is likely to continue for some time in the future. It is, therefore, proposed that the present incumbent upon reappointment should be allowed, so long as he continues to hold the office of the Municipal Hydraulic Engineer, to draw the same salary which he is drawing at present, viz. Rs. 1,800 per month. To achieve this object, an amendment of the Act is necessary.

BOMBAY: PRINTED AT THE GOVERNMENT CENTRAL PRESS.